

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

DENNIS R. BIVENS

Plaintiff,

v.

CITY CONCEPTS, INC.

Defendant

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CIVIL ACTION NO:

**COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW Plaintiff DENNIS R. BIVENS, by and through his attorney and for his Complaint against Defendant CITY CONCEPTS, INC. complains and alleges as follows:

1. This is an action for injunctive relief and damages under 17 U.S.C. §101 *et seq.* due to Defendant's infringement of Plaintiff's copyrights.
2. Plaintiff Dennis R. Bivens ("Mr. Bivens") is a resident of Missouri and resides at 16 West Lakewood Dr., Fenton, Missouri.
3. Defendant, City Concepts, Inc. ("City Concepts") is a corporation incorporated under the laws of the State of Illinois and maintains its principal place of business at 65 East Palatine Rd, STE 115, Prospect Heights, Illinois.

**JURISDICTION AND VENUE**

4. Jurisdiction of this Court proper because at all times relevant herein City Concepts has transacted business in the State of Missouri and has had sufficient contacts in St. Louis, Missouri to be subject to personal jurisdiction in the Eastern District of Missouri.
5. This Court has subject matter jurisdiction because the controversy arises under the Copyright laws of the United States, 17 U.S.C. §101 *et. seq.*
6. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b)(2) and 28 U.S.C. §1400(a).

**STATEMENT OF CLAIM**

7. Mr. Bivens alleges that City Concepts has infringed his copyright in the work that forms the subject matter of the following Certificate of Copyright Registration: VAu 1-185-144. The title of the work is *Chicago The Windy City*.
8. City Concepts manufactures, markets, promotes and sells products which contain elements copied from Mr. Bivens' copyrighted work. Examples of such products include, but are not limited to, shirts, mugs, glassware and other items commonly purchased as souvenirs.
9. Mr. Bivens has preserved his rights to his art work by complying with the United States Copyright Laws and has registered his exclusive rights to these works. Mr. Bivens has received Certificate of Registration No. VAu 1-185-144, from the Register of Copyrights.
10. Upon information and belief, City Concepts has infringed Mr. Bivens' copyrights by improperly using, copying, disseminating and making derivative works of his art works without Mr. Bivens' permission.
11. Upon information and belief, City Concepts still retains and controls unauthorized and infringing copies of Mr. Bivens' art work.
12. City Concepts's infringing activities have caused Mr. Bivens monetary harm that is undetermined.
13. City Concepts' continued infringement and retention of Mr Bivens' copyrighted materials have caused and continue to cause Mr. Bivens irreparable harm for which he has no adequate remedy at law.

**PRAYER FOR RELIEF**

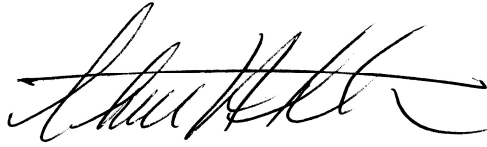
WHEREFORE, Plaintiff Dennis R. Bivens, prays this Court grant him the following relief against Defendant City Concepts, Inc:

- A) Enter judgment in favor of Mr. Bivens and against City Concepts;
- B) Enjoin preliminarily and permanently City Concepts, its directors, officers, agents, employees, subsidiaries, affiliates, and all other persons or entities working with, through or under them from infringing Mr. Bivens' copyrights;
- C) Order City Concepts to deliver all copies in its possession of every infringing item and all materials generated in the course of its infringing activities;
- D) Order City Concepts to account to Mr. Bivens for all monies that City Concepts, its agents and all those acting in concert with it have received, or are reasonably certain to receive in the future, in connection with the unauthorized use of Mr. Bivens' copyrights.
- E) Order City Concepts to account for and pay to Mr. Bivens all gains, profits and savings derived from their infringing conduct; and
- F) Oder City Concepts to pay Mr. Bivens the damages he sustained as a result of City Concepts' unlawful actions; OR
- G) Order City Concepts to pay Mr. Bivens statutory damages and attorney's fees under 17 U.S.C. §504(2)(c)(1) and 17 U.S.C. §504(2)(c)(2); whichever is higher.
- H) Order City Concepts to pay Mr. Bivens prejudgment and post-judgment interest on any monetary award; and
- I) Order such other and further relief as this Court deems equitable under the circumstances.

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff Dennis R. Bivens hereby demands trial by a jury on all issues so triable herein.

Respectfully submitted this 17th day of August 2015.

A handwritten signature in black ink, appearing to read 'Chris Thornton', written over a horizontal line.

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